

REMARKS/ARGUMENTS

Claims 22-36 are pending in the present application. Claim 22 has been amended, and Claims 27-36 have been added, herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 22-26 under 35 U.S.C. § 103 as being unpatentable over Bodin (US 5,394,519) in view of Putnam et al. (US 5,175,855). This rejection is respectfully traversed.

As an initial matter, Claim 22 has been amended to correct antecedent basis issues. The phrase ‘plurality of devices’ has been amended to instead read ‘plurality of different devices’ in order to use the same terminology as was used in the first instance of this phrase in the preamble. Similarly, ‘a device’ has been amended to instead recite ‘the device’ for proper antecedent basis purposes. Accordingly, such amendment is not being done for purposes of patentability, and such amendment does not require or otherwise invoke a need for further searching or consideration as the terms ‘plurality of different devices’ and ‘device’ have already been used in the claim as already considered by the Examiner.

Claim 22 has also been amended to clarify that the plurality of different devices is with respect to different types of devices.

The present invention is generally directed to a device driver that is capable of operating with a plurality of different devices – i.e. a one-to-many device driver where a generic driver supports multiple different devices (Specification page 5, lines 7-10 and lines 19-23; page 9, lines 7-20; page 10, lines 19-21; page 21, lines 18-30; page 31, line 25 – page 32, line 7). In contrast, both of the cited references teach a device driver that is capable of operating with a single type of device – i.e. a one-to-one device driver. This generalized, and substantial, difference will now be described in detail.

Specifically with respect to Claim 22, such claim recites “A device driver, in a computer readable medium, suitable for communication with a plurality of different types of devices”. In rejecting this aspect of Claim 22, the Examiner cites Bolin’s description beginning at col. 3, line 31 as teaching this claimed feature since such Bolin passage teaches “a *plurality* of OS drivers...controlling access to various devices” (emphasis added by Applicants). Applicants respectfully submit that due to the recitation of “a plurality of OS drivers”, this passage does not teach that a single device driver is used with a plurality of different devices, as expressly recited in Claim 22. Thus, even when viewing the preamble only, the claimed invention is substantially different from the teachings of Bolin, as the claimed invention is directed to a one-to-many environment, where a particular/given device driver is operable with multiple different devices. Bolin does not teach or otherwise suggest this one-to-many architecture or environment

with respect to a given device driver. Therefore, it is urged the Claim 22 is not obvious in view of the cited references as there are missing claimed features not taught or suggested by the cited references¹.

Still further with respect to Claim 22, it is urged that none of the cited references teach or suggest the claimed feature of “interrogation means using commands conforming to the standard and common to the plurality of different types of devices for polling a device within the plurality of different types of devices to obtain input/output ports used by the device in addition to the input/output ports identified by the identification means”. As can be seen, this aspect of Claim 22 is specifically directed to an interrogation means for polling a device to obtain input/output ports used by a device. In rejecting this aspect of Claim 22, the Examiner cites Bolin’s description beginning at col. 3, line 64 in that Bolin teaches a video subsystem 50 coupled into system 10 and comprises a video graphics array ‘VGA’ adapter 52 plugged into connector 36, for controlling access to a VGA display 54. Notably absent in this cited passage is any mention of any device polling, and so it necessarily follows that this passage does not teach or otherwise suggest the claimed feature of “interrogation means using commands conforming to the standard and common to the plurality of different types of devices *for polling a device* within the plurality of different types of devices to obtain input/output ports used by a device in addition to the input/output ports identified by the identification means”. Quite frankly, the cited Bodin reference makes no mention of any type of polling, either as claimed or otherwise. Accordingly, due to this teaching deficiency, a proper prima facie case of obviousness has not been established by the Examiner, and accordingly the burden has not shifted to Applicants to rebut such improper obviousness assertion².

Still further with respect to Claim 22, it is urged that none of the cited references teach or suggest the claimed feature of “trapping means for trapping input/output ports identified by the identification means and the interrogation means”. As can be seen, this aspect of Claim 22 is directed to trapping input/output ports – such ports having been identified by both the identification means and the interrogation means. In rejecting this aspect of Claim 22, the Examiner cites Bodin’s description beginning at col. 5, lines 31 as teaching this claimed feature. As an initial matter, it is shown that since the Examiner them self acknowledged that the cited Bodin reference does not teach the claimed identification means, then it necessarily follows that Bodin cannot possibly teach a trapping means for trapping input/output ports identified by such (missing) identification means. Still further, the Bodin

¹ To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974) (emphasis added by Applicants). If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

² In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *Only if that burden is met*, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* (emphasis added by Applicants)

passage cited in rejecting this aspect of Claim 22 is directed to *register* trapping, whereas Claim 22 is directed to input/output *port* trapping. Quite simply, an alleged teaching of *register* trapping does not teach or otherwise suggest *input/output port* trapping. Therefore, it has been further shown that a proper prima facie case of obviousness has not been established with respect to Claim 22 as there are additional claimed features not taught/suggested by the cited references.

Still further with respect to Claim 22, it is urged that none of the cited references teach or suggest the claimed feature of “identification means for identifying all input/output ports relating to a basic device type common to the plurality of different types of devices”. As can be seen, this aspect of Claim 22 is directed to an identification means, with such identification means for *identifying all input/output ports relating to a basic device type that is common to the plurality of different types of devices*. In rejecting this aspect of Claim 22, the Examiner cites Putnam’s description beginning at col. 3, line 65 as teaching such port identification of ports relating to a basic device type that is common to the different devices. Applicants respectfully urge that, to the contrary, this cited passage describes a device driver that is used to facilitate data exchange between background and foreground programs, and their associated storage areas. This cited passage does not describe any type of input/output port identification, and therefore does not teach or otherwise suggest the specific claimed feature of “identification means for *identifying all input/output ports relating to a basic device type common to the plurality of different types of devices*”. Therefore, it has been further shown that a proper prima facie case of obviousness has not been established with respect to Claim 22 as there are additional claimed features not taught/suggested by the cited references.

Applicants initially traverse the rejection of Claims 23-26 for reasons given above with respect to Claim 22 (of which Claims 23-26 depend upon).

Further with respect to Claim 24, such claim recites that the basic device type is an abstract SVGA including both (1) a standard VGA and (2) additional non-standard VGA input/output ports used by the basic device type. In rejecting Claim 24, the Examiner cites Bodin’s Figure 1 and accompanying text. Applicants urge that while Bodin may describe a standard VGA adapter, that is where the similarities end – and Bodin does not describe any type of abstract SVGA that includes *both* a standard VGA *as well as* additional non-standard VGA input/output ports used by the basis device type. If the Examiner maintains this rejection based on this cited Bodin passage, Applicants request, pursuant to 37 CFR 1.104(c)(2)³, that

³ 37 CFR 1.104(c)(2): In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows *or describes inventions other than that claimed by the applicant*, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (emphasis added by Applicants).

the Examiner specifically recite what is deemed to be the abstract SVGA and what is deemed to be the additional non-standard VGA input ports, both of which are expressly recited in Claim 24.

Further with respect to Claims 25 and 26, it is urged that the cited Bodin passage used in rejecting both of these claims (Bodin col. 3, line 31) does not describe any type of user option, and thus this cited passage does not teach or otherwise suggest that additional input/output ports used by the basic device type are identifiable during installation of the device by a *user option* (Claim 25); or that additional input/output ports used by the basic device type are identifiable during installation by the device as removed from the basic device type and unused by the device through a *user option* (Claim 26). Therefore, it has been further shown that a proper prima facie case of obviousness has not been established with respect to Claims 25 and 26 as there are additional claimed features not taught/suggested by the cited references.

Therefore, the rejection of Claims 22-26 under 35 U.S.C. § 103 has been overcome.

II. New Claims

Claims 27-36 have been added herewith. Examination of such claims is respectfully requested.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 22, 2006

Respectfully submitted,

/Wayne P. Bailey/

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